

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

LARAINÉ HARRIS & ERIC MATTEA, )  
On Behalf of themselves and All Others )  
Similarly Situated, )

Plaintiffs, )

VS.

D. SCOTT CARRUTHERS & ASSOC., )  
 REGENT ASSET MANAGEMENT )  
 SOLUTIONS, and UNITED CREDIT )  
 MANAGEMENT CORP., )

Defendants. )

**Case No. 8:09-CV-154**

**PLAINTIFFS' MOTION TO  
COMPEL DEPOSITION OF  
WITNESSES FOR DEFENDANT  
REGENT ASSET MANAGEMENT  
SOLUTIONS - JASON BEXTEN AND  
MIRANDA HAMM and  
REQUEST FOR STATUS  
CONFERENCE WITH THE COURT**

COME NOW the Plaintiffs herein by and through their counsel with this Motion to Compel defendant Regent Asset Management Solutions' ("Regent") witnesses for deposition regarding class certification issues. In support of this Motion the Plaintiffs state the following:

1. The Court established the case progression schedule in its Order of September 24, 2009, (Doc. No. 29) which calls for all discovery concerning class certification to be completed on or before January 15, 2010. Further, the hearing on class certification is set for February 5, 2010, with the parties' briefs due on Wednesday, February 3, 2010. The Plaintiffs filed their Unopposed Motion to Extend Class Discovery on January 10, 2010. (Doc. No. 74)

2. The parties have faithfully endeavored to comply with the Court's deadlines having exchanged extensive written discovery and traveled to Kansas

City and Denver, Colorado, to take depositions from witnesses located in those cities.

3. The Plaintiffs also made plans to take the deposition of Jason Bexten a key figure in Regent's letter sending operations, who is located in Las Vegas, Nevada, on January 7, 2010. This deposition was postponed primarily because Mr. Bexten had successfully evaded service of Plaintiffs' subpoena, as well as the extreme weather, and counsels' concern that a trip to Las Vegas would be wasted because Mr. Bexten has evaded service on more than one occasion. (Ex.1A) Mr. Bexten has been hired by Regent to send the collection letters that are the subject of this case. Thus, his testimony is of critical importance. Defendant Regent has the relationship with and ability to make Mr. Bexten available, but will not do so. Regent states in its Rule 26 Disclosures that contact with Mr. Bexten can only be made through Regent's counsel, further complicating the process.

4. Plaintiffs also believe it necessary to take the deposition of Miranda Hamm who is employed by Regent at its Las Vegas office. However, Regent will not make Mrs. Hamm available or provide her home or work address for service of a subpoena compelling her attendance at a deposition. Regent's failure to produce this witness is demonstrated in the numerous rejections of Plaintiffs' requests to set this deposition. (Ex.1B) Regent did not identify Mrs. Hamm in its Rule 26 Disclosures or disclose her address as required and requested by the Plaintiffs.

5. In addition, there are a number of discovery issues between the parties. Plaintiffs have two motions currently before the Court, (Filing Nos. 34 & 36) with the expectation of another, all of which demonstrate Regent's failure to comply with the reasonable discovery requests posed by the Plaintiffs concerning class certification issues.

6. Given the pending discovery motions, deadlines, and other issues currently present in this case the Plaintiffs request a status conference with the Court to discuss and resolve these issues.

WHEREFORE, the Plaintiffs pray for an order of this Court compelling defendant Regent to make Jason Bexten and Miranda Hamm available for depositions on all class certification issues at a mutually agreed time and location between the parties. Further, Plaintiffs request a status conference with the Court.

Dated this 13<sup>th</sup> day of January, 2010.

Laraine Harris & Eric Mattea, On Behalf  
of Themselves and All Others Similarly  
Situating, Plaintiffs,

By: /s/William L. Reinbrecht  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2010, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the following:

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And I certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: N/A

By: /s/ William L. Reinbrecht  
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